

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

WILLIAM JAMES CLARK,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. CIV 08-331-JHP-SPS

OPINION AND ORDER

Plaintiff, an inmate in the custody of the Federal Bureau of Prisons who is incarcerated at the Florence Federal Correctional Complex in Florence, Colorado, has filed a “motion for order to the Federal Bureau of Prisons to provide [plaintiff] his mental health medication” [Docket #1]. He alleges he needs certain psychotropic medications, but the Federal Bureau of Prisons no longer has the medications in its formulary. He claims he has been advised that the only way he can receive the medication is by a court order. The court construes plaintiff’s motion liberally, *Haines v. Kerner*, 404 U.S. 519 (1972), as a complaint pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

The record shows that plaintiff is incarcerated in the District of Colorado, where he allegedly is being denied his prescription medication. Because proper venue does not lie in this district, *see* 28 U.S.C. § 1391(b), plaintiff’s complaint is DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1406(a).

IT IS SO ORDERED this 6th day of November 2008.


James H. Payne
United States District Judge
Eastern District of Oklahoma